

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5445 of 2007()

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CMP.3336/2007 of J.M.F.C., SASTHAMCOTTA  
C.R.No.55/2007 OF THE EXCISE RANGE, SASTHAMCOTTA  
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PETITIONER/2ND ACCUSED  
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BIJU, S/O MANI,  
KATTUMPURATHU VEEDU, PRAKKULAM MURI,  
THRIKKARUVA VILLAGE, KOLLAM TALUK.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT  
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STATE OF KERALA, REPRESENTED BY THE  
EXCISE INSPECTOR, EXCISE RANGE,  
SASTHAMCOTTA THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R.BASANT, J.**

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B.A.No.5445 of 2007  
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Dated this the 12<sup>th</sup> day of September 2007

**O R D E R**

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner is the second accused. Altogether there are two accused persons. The accused were allegedly found to be in possession of 100 litres of arrack on 11/8/2007. The first accused was not available for arrest. The petitioner was arrested and continues in custody from 11/8/2007. The learned counsel for the petitioner submits that after the arrest of the petitioner, the father of the petitioner had expired on 22/8/2007. The petitioner may now be enlarged on bail subject to appropriate terms and conditions, submits the learned counsel for the petitioner.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that the investigating officer may be granted some further time to complete the investigation. The State is not raising objections against the release of the petitioner on bail in view of the very special circumstance which has been brought to the notice of the court, which on verification, is found by the investigating officer to be correct. I am satisfied that regular bail can be granted to the

petitioner subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner can now be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 20/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

**(R.BASANT, JUDGE)**

jsr





**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007